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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

RAY JONES,

Plaintiff and Appellant,

v.

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF LOS ANGELES,

Defendant and Respondent.

B213162

(Los Angeles County  
Super. Ct. No. BC396703)

APPEAL from a judgment of the Superior Court of Los Angeles County.  
Jane L. Johnson, Judge. Affirmed.

\_\_\_\_\_  
Ray Jones, in pro. per., for Plaintiff and Appellant.

Cummings, McClorey, Davis, Acho & Associates and Sarah L. Overton for  
Defendant and Respondent.  
\_\_\_\_\_

Ray Jones sued the Superior Court of California, County of Los Angeles (Superior Court) after a trial court entered an adverse judgment against him in an unlawful detainer action. The court sustained the Superior Court's demurrer without leave to amend and dismissed the action. We affirm.

### **BACKGROUND**

When reviewing a ruling on a demurrer we assume the truth of the complaint's properly pleaded material factual allegations as well as matters judicially noticed by the trial court. (*Zelig v. County of Los Angeles* (2002) 27 Cal.4th 1112, 1126.) We disregard contentions, deductions, or conclusions of fact or law. (*Ibid.*)

Jones was a defendant in an unlawful detainer action. He demurred to the complaint, claiming, inter alia, that the landlord had been operating a boarding house in violation of the City of Los Angeles' Rent Stabilization Ordinance. On November 20, 2007, Jones and the landlord entered into a stipulated judgment allowing Jones to remain in the property until December 31, 2007, and, in exchange, Jones agreed that he owed \$2,600.

On May 28, 2008, Jones filed a government claim with the judicial branch under the Government Claims Act. His claim asserted that in the unlawful detainer action the "Superior Court and its Judicial Officers fail[ed] to apply [the] law and therefore are liable for misconduct, bias, prejudice, [and] violation of Constitutional Rights." His claim sought damages for violation of his constitutional rights, loss of rent control benefits, moving expenses, costs, and other compensatory damages.

On August 20, 2008, Jones sued the Superior Court. The factual allegations of his complaint alleged that in the unlawful detainer action (case number 07H01209), Judge Melvin Sandvig failed to adequately consider or apply the law and should have sustained his demurrer without leave to amend and dismissed the landlord's action. Jones's complaint alleged that the judge's failure to sustain his demurrer was therefore "bias[ed], prejudicial and [in] violation of [his] Constitutional Rights." Jones's complaint stated that he was also asserting causes of action for "Bias and Prejudice," negligence,

“Wrongful Civil Proceedings,” “Professional Misconduct,” and “Betrayal of Public Trust,” but alleged no facts in support of these assertions. His complaint sought “loss of the rent control benefits” from December 31, 2007, moving costs, and damages for violation of his civil rights and state and federal constitutional rights. (Citing 42 U.S.C., § 1983, Cal. Const., art. I, § 7, U.S. Const., 14th Amend.)

The Superior Court demurred to the complaint on the grounds that Jones’s complaint was barred by the doctrine of judicial immunity, did not comply with the Government Claims Act, did not state a federal civil rights cause of action under 42 U.S.C. section 1983, and that the court lacked subject matter jurisdiction to review the rulings of another superior court. Jones filed opposition to which the Superior Court replied.

On November 25, 2008, the court issued its ruling sustaining the Superior Court’s demurrer without leave to amend, finding that the Superior Court was immune from civil liability, Jones’s complaint was barred for having failed to comply with the Government Claims Act, and that the complaint alleged no facts of any official policy which amounted to a constitutional violation sufficient to state a cause of action under 42 U.S.C. section 1983. The court also noted that Jones did not and could not claim he could amend his complaint to cure these defects and accordingly sustained the Superior Court’s demurrer without leave to amend and dismissed the action.

This appeal followed.

## **DISCUSSION**

### **Standard of Review**

“‘When a demurrer is sustained, we determine whether the complaint states facts sufficient to constitute a cause of action. [Citation.] And when it is sustained without leave to amend, we decide whether there is a reasonable possibility that the defect can be cured by amendment . . . .’” (*Blank v. Kirwan* (1985) 39 Cal.3d 311, 318; see also *McCall v. PacifiCare of Cal., Inc.* (2001) 25 Cal.4th 412, 415 [noting that our review is de novo].)” (*Zelig v. County of Los Angeles, supra*, 27 Cal.4th at p. 1126.)

## Judicial Immunity

Jones contends that Judge Sandvig improperly ignored Los Angeles Municipal Code section 151.00 entitling tenants to the benefits of rent control, and ignored applicable provisions of the Code of Civil Procedure governing demurrers and motions to strike when ruling on the demurrer he filed in the unlawful detainer action. Jones contends that the court is not immune from liability, that his complaint adequately stated causes of action and required no amendment, and thus the trial court erred by sustaining the Superior Court's demurrer without leave to amend and dismissing the action. We disagree.

The concept of judicial civil immunity is “‘deeply rooted in California law.’ [Citation.]” (*Howard v. Drapkin* (1990) 222 Cal.App.3d 843, 852.) “The decisions of this state uniformly and consistently grant immunity from civil suit to judges in the exercise of their judicial functions. [Citation.] That is true even if the acts are in excess of the jurisdiction of the judge and are alleged to have been done maliciously and corruptly. [Citation.]” (*Tagliavia v. County of Los Angeles* (1980) 112 Cal.App.3d 759, 761.)

The basis for Jones's lawsuit is his claim that Judge Sandvig failed to adequately consider the issues raised in his demurrer and, as a result, erred in failing to dismiss the unlawful detainer action against him. Apparently, Jones sued the Superior Court because it is Judge Sandvig's employer. However, “a public entity is not liable for an injury resulting from an act or omission of an employee of the public entity where the employee is immune from liability.” (Gov. Code, § 815.2, subd. (b).) And, the term “employee” specifically includes a “judicial officer.” (Gov. Code, § 810.2.) Thus, because Judge Sandvig is immune from liability, the Superior Court is also immune from liability under Government Code section 815.2, subdivision (b).

Jones attacks the judicial immunity doctrine as protecting malfeasance, being an obstacle to justice, archaic, inhuman, despotic, tyrannical, and unfair. He, however, makes no legal argument, and cites no controlling authority, why judicial immunity

should not apply to the judicial actions his complaint described. Jones also asserts, without authority, that judicial immunity is inapplicable when it is alleged that the judge's liability is based on constitutional violations. His complaint asserted that Judge Sandvig's actions violated his civil and constitutional rights, but it contained no factual allegations to support the contention. On demurrer, the trial court was required to disregard contentions, deductions, or conclusions of law, and properly did so in this case. (*Zelig v. County of Los Angeles, supra*, 27 Cal.4th at p. 1126.)

Because Jones's complaint cannot be amended to avoid the bar of judicial immunity the court properly sustained the Superior Court's demurrer without leave to amend and dismissed the action.

#### **DISPOSITION**

The judgment is affirmed. Respondent to recover its costs on appeal.

NOT TO BE PUBLISHED.

ROTHSCHILD, J.

We concur:

MALLANO, P. J.

JOHNSON, J.